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09-10-08

#21
B. Chen

CPA/1600

PTO/SB/29 (10/00)

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CONTINUED PROSECUTION APPLICATION (CPA)

REQUEST TRANSMITTAL

Submit an original, and a duplicate for fee processing.

(Only for Continuation or Divisional applications under 37 CFR 1.53(d))

TECH CENTER 1600/12900
CHECK BOX, if applicable:
☐ DUPLICATE
SEP 13 2002

Address to:

Assistant Commissioner for Patents
Box CPA
Washington, DC 20231

Attorney Docket No. of Prior Application	454313-2330
First Named Inventor	Jun CHEN
Examiner Name	Michael V. Meller
Group/Art Unit	1651
Express Mail Label No.	EV073695153US

This is a request for a ☒ continuation or ☐ divisional application under 37 C.F.R. 1.53(d), (continued prosecution application (CPA)) of prior application number 09/504,741 filed on February 16, 2000, entitled Improved Paste Formulations.

NOTES

FILING QUALIFICATIONS: The prior application identified above must be a nonprovisional application that is either: (1) complete as defined by 37 C.F.R. 1.51(b) or (2) the national stage of an international application in compliance with 35 U.S.C. 371. Effective May 29, 2000, a CPA may only be filed in a utility or a plant application if the prior nonprovisional application was filed before May 29, 2000. A CPA may be filed in a design application regardless of the filing date of the prior application. See "Request for Continued Examination Practice changes to and Provisional Application Practice," Final Rule. 65 Fed. Reg. 50092 (Aug. 16, 2000); Interim Rule, 65 Fed. Reg. 14865 (Mar. 20, 2000), 1233 Off. Gaz. Pat. Office (Apr. 11, 2000).

C-I-P- NOT PERMITTED: A continuation-in-part application cannot be filed as a CPA under 37 C.F.R. 1.53(d), but must be filed under 37 C.F.R. § 1.53(b).

EXPRESS ABANDONMENT OF PRIOR APPLICATION: The filing of this CPA is a request to expressly abandon the prior application as of the filing date of the request for a CPA. 37 C.F.R. 1.53(b) must be used to file a continuation, divisional, or continuation-in-part of an application that is not to be abandoned.

ACCESS TO PRIOR APPLICATION: The filing of this CPA will be construed to include a waiver of confidentiality by the applicant under 35 U.S.C. 122 to the extent that any member of the public who is entitled under the provisions of 37 C.F.R. 1.14 to access to, copies of, or information concerning, the prior application may be given similar access to, copies of, or similar information concerning, the other application or applications in the file jacket.

35 U.S.C. 120 STATEMENT: In a CPA, no reference to the prior application is needed in the first sentence of the specification and none should be submitted. If a sentence referencing the prior application is submitted, it will not be entered. A request for a CPA is the specific reference required by 35 U.S.C. 120 and to every application assigned the application number identified in such request, 37 C.F.R. 1.78(a).

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

1. ☐ Enter the unentered amendment previously filed on _____ under 37 C.F.R. 1.116 in the prior nonprovisional application.
2. ☒ A preliminary amendment is enclosed.
3. This application is filed by fewer than all the inventors named in the prior application, 37 C.F.R. 1.53(d)(4).
 - a. ☐ DELETE the following inventor(s) named in the prior nonprovisional application:
 - b. ☐ The inventor(s) to be deleted are set forth on a separate sheet attached hereto.
4. ☐ A new power of attorney or authorization of agent (PTO/SB/81) is enclosed.
5. Information Disclosure Statement (IDS) is enclosed:
 - a. ☐ PTO-1449
 - b. ☐ Copies of IDS Citations

09/11/2002 SSITHIB1 00000004 09504741

01 FC:131 740.00 OP
02 FC:104 280.00 OP

CLAIMS	(1) FOR	(2) NUMBER FILED	(3) NUMBER EXTRA	(4) RATE	(5) CALCULATIONS
	TOTAL CLAIMS (37 CFR. 1.16(c) or (j))	14 - 20* =	0	x \$ 18 =	\$ 0.00
	INDEPENDENT CLAIMS (37 CFR. 1.16(b) or (i))	1 - 3** =	0	x \$ 84 =	0.00
	MULTIPLE DEPENDENT CLAIMS (if applicable) (37 CFR 1.16(d))			+ \$ 280 =	280.00
				BASIC FEE (37 C.F.R. § 1.16)	740.00
				Total of above Calculations =	\$ 1,020.00
	Reduction by 50% for filing by small entity (Note 37 CFR 1.27).				
	* Reissue claims in excess of 20 and over original patent.				TOTAL =
	** Reissue independent claims over original patent				
					\$ 1,020.00

6. ☐ Small entity status: Applicant claims small entity status. See 37 CFR 1.27)

7. ☒ The Commissioner is hereby authorized to credit overpayments or charge the following fees to Deposit Account No. 50-0320. (As a three month extension was previously paid for, via the August 15, 2002 Amendment, no fee should be due and the period for reply should already be extended to September 9, 2002.)

- a. ☒ Fees required under 37 C.F.R. 1.16.
 b. ☒ Fees required under 37 C.F.R. 1.17.
 c. ☐ Fees required under 37 C.F.R. 1.18.

8. ☒ A check in the amount of \$1,020.00 is enclosed.

9. ☐ Payment by credit card. Form PTO-2038 is attached.

10. ☐ Applicant requests suspension of action under 37 CFR 1.103(b) for a period of _____ months (not to exceed 3 months) and the fee under 37 CFR 1.17(i) is enclosed.

11. ☐ New Attorney Docket Number, if desired
 [Prior application Attorney Docket Number will carryover to this CPA unless a new Attorney Docket Number has been provided herein.]

12. a. ☐ Receipt For Facsimile Transmitted CPA (PTO/SB/29A)
 b. ☒ Return Receipt Postcard (Should be specifically itemized, See MPEP 503).

13. ☒ Other: An interview, at an early date, is respectfully requested, prior to any first Office Action, and the Examiner is respectfully requested to contact the undersigned to schedule an interview.

NOTE: *The prior application's correspondence address will carry over to this CPA UNLESS a new correspondence address is provided below.*

14. NEW CORRESPONDENCE ADDRESS

☒ Customer Number or Bar Code Label

20999

(Insert Customer No. or Attach bar code label here)

or ☐ New correspondence address below

Name	Thomas J. Kowalski FROMMER LAWRENCE & HAUG LLP				
Address	745 Fifth Avenue				
City	New York	State	NY	Zip Code	10151
Country	U.S.	Telephone	(212) 588-0800	Fax	(212) 588-0500

15. SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

Name (Print/Type)	Thomas J. Kowalski
Signature	<i>Thomas J. Kowalski</i>
Registration No. (Attorney/Agent)	32,147
Date	September 9, 2002



PATENT
454312-2330

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s) : Jun CHEN
U.S. Serial No. : CPA of 09/504,741
Filing Date : February 16, 2000
For : **IMPROVED PASTE FORMULATIONS**
Examiner : Michael V. Meller
Art Unit : 1651

745 Fifth Avenue, New York, NY 10151

EXPRESS MAIL

Mailing Label Number: EV073695153US

Date of Deposit: September 9, 2002

I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" Service under 37 CFR 1.10 on the date indicated above and is addressed to: Assistant Commissioner for Patents, Washington, DC 20231.

Charles Jackson

(Typed or printed name of person mailing paper or fee)

Charles Jackson

(Signature of person mailing paper or fee)

PRELIMINARY AMENDMENT AND REQUEST FOR EXTENSION OF TIME

Assistant Commissioner for Patents
Washington, D.C. 20231

BOX CPA

Sir:

This is responsive to the Office Action mailed on March 8, 2002, setting a three-month term for reply, and to matters discussed with Examiners Meller and Naff during the interview on July 18, 2002 among Examiners Meller and Naff and Dr. Judy Jarecki-Black and the undersigned, for which the Examiners are thanked for the many courtesies they extended, and is responsive to the August 9 and 29, 2002 Advisory Actions and a Continued Prosecution Application (CPA) Request Transmittal filed herewith.

REQUEST FOR EXTENSION OF TIME

It is respectfully requested that the period for reply to the March 8, 2002 Office Action be extended three months, i.e., to up to and including September 9, 2002 (as September 8, 2002 is a Sunday). As a three month extension was previously paid for, via the August 15, 2002